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09/656,531	09/07/2000	Tim Armandpour	P3929	2317

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EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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2178

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/656,531	Applicant(s) ARMANDPOUR ET AL.	
	Examiner ADAM L. BASEHOAR	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: The Request for Continued Examination (RCE) filed 07/14/10.
2. Claims 1-17 have been cancelled as necessitated by the RCE.
3. Claims 18-28 are pending in the case. Claim 18 is an independent claim.

Claim Objections

4. Claim 20 is objected to because of the following informalities: Claim 20 recites "a test navigation template created for the purpose." It is unclear what limitation "created for the purpose" imposes (i.e. it does not appear to make grammatical sense) on the claim language and in general "created for" appears to be claiming a type of non-limiting intended use. The Examiner suggests the claim be amended such that the "created for a purpose" is removed from the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over DaCosta et al (US-6,826,553 11/30/04) in view of Weinberg et al (US-6,360,332 03/19/02) in further view of Heninger (US-6,029,207 02/22/00) in further view of Bogrett (US-6,842,758 01/11/05).

-In regard to independent claim 18, DaCosta teaches a method for receiving automated notification of structural changes applied to electronic information pages accessed by a proxy network navigation and interaction system and effecting updates to navigation templates based on the change information, comprising steps of:

-establishing notification of failed execution (column 6, lines 9-13 & 35-41: “automatically requested”; column 18, lines 34-67: “script has failed...email or pager notification”) of one of the navigation templates interacting with electronic information pages on a data-packet network (column 2, lines 11-35: “scripts...locates and extracts data” & 55-65: “specify and store a procedure”; column 3, lines 1-51: “structure...within the web page...recording a sequence of actions”; column 5, lines 36-55: “store navigation paths”; column 6, lines 51-67: “records navigation paths and associated steps”; column 7, lines 15-55: “navigation recording module captures each user generated event”; column 8, lines 19-21);

-recording/creating an instance of the failed navigation template associated with the cause of failure (column 18, lines 43-67: “it is known the script has failed...and proper notifications sent to individuals or entities responsible for the operation of the failing script by email...for example”; column 19, lines 1-15);

-accessing the notification of the of the failed navigation template for review purposes (column 6, lines 9-13 & 35-41; column 18, lines 34-67: i.e. developer accesses failed script for re-teaching purposes);

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-being able to navigate to the electronic information page identified in the recorded instance (column 6, lines 9-13 & 35-41; column 18, lines 34-67: i.e. developer accesses failed script for re-teaching purposes);

-accessing/determining information necessary to repair the logic block involved in the failure (i.e. re-teaching a new navigation and extraction script by accessing the information).

-creating a new logic block according to the information and according to information contained in the recorded instance (column 6, lines 9-13 & 35-41; column 18, lines 34-67);

-installing the newly created logic block into the navigation template that failed, and into all existing navigation templates that depend on the failed logic block for successful function (column 6, lines 9-13 & 35-41; column 18, lines 34-67; column 19, lines 1-15).

DaCosta does not specifically teach wherein the instance of the failed navigation routine was stored for future review including parameters associated with the failed routine that included identification of at least a point of failure of at least one of a plurality of logic blocks used to build each of the navigation templates. Weinberg teaches storing the data file (column 2, lines 39-40; column 6, lines 19-22), wherein the application periodically submits test navigation and interaction routines (column 6, lines 19-22), and upon failure of the routine, creates a data file (column 2, lines 39-40; column 3, lines 29-43; column 6, lines 19-22; column 17, lines 10-52)(Fig. 5F), the data file comprising a point-of-failure indication within the failed routine and identifying the logic block of the template that failed (Fig. 5F: column 17, lines 17-21), parameters of the failure (column 17, lines 35-43), an identifier of the associated electronic page (columns 17-18: lines 62-12)(Fig. 5F: “URL: www.mercint.com”), and stores the data file in the data repository sending notification of the action to the developer (column 2, lines 39-40; column

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6, lines 15-23). It would have been obvious to one of ordinary skill in the art at the time of the invention to have stored the failed navigation script of DaCosta and for the proper notifications of the failed script to have included a point in process of the failure along with the an identifier of the associated web page, because Weinberg teaches that by storing the failed navigation script, a developer can easily display the results of the navigation and quickly determine the location of the failure of the routine (column 3, lines 29-44). This would have made the re-teaching (i.e. correcting) of the navigation script in DaCosta easier for the developer (column 6, lines 9-13 & 35-41; column 18, lines 42-67).

DaCosta teaches wherein functional logic blocks were part of the navigation and interaction templates containing all of the possible navigation and interaction instructions required by the navigation system-interface module as defined by the a given user/developer (column 2, lines 20-31: “scripts...that locates and extracts data...precisely locating and extracting the select data with a granularity specified by the user” & lines 57-67: “capability for a user to specify...in an automated manor”; column 5, lines 29-55: “learn and store navigation paths...dialogs and forms that need to be filled...login name and password”; column 7, lines 16-28: “captures each user-generated event.”; columns 7-8, lines 55-5: “automatically repeatedly query a web site...upon a single exemplomatic query”; column 9, lines 5-44). Neither DaCosta nor Weinberg specifically teach wherein the functional logic blocks in the defined interaction scripts were modular parts of the interaction scripts. Heninger teaches building software components in a modular fashion such that each modular component could be constructed, modified, and tested independently (column 1, lines 20-29). It would have been obvious to one of ordinary skill in the art at the time of the invention for the functional logic blocks of DaCosta

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to have been modular parts of the navigation and interaction templates, because Heninger taught that computer software developers realize that modular interacting software components provide the advantages of being more easily designed, generated, tested, installed, and maintained as well leading to better computer products at a minimal cost (column 1, lines 20-67; column 2, lines 1-24). Thus the modular software components of Heninger would have provided the developers of DaCosta a better way of maintaining, editing, and correcting failed navigation scripts (column 18, lines 34-67) by allowing the developers to fix only the modular part of the failed navigation and interaction script.

The modified DaCosta reference teaches wherein the functional site-logic blocks of the navigation and interaction templates could be modular parts of the interaction scripts and replacing the defunct site logic in a modular fashion. The modified DaCosta does not specifically teach automatically replacing/installing only the defunct site-logic block with one or more operational site-logic blocks. Bogrett teaches method for maintaining client applications wherein all upgrades to client software was done automatically by a server by generating an incremental update for transmitting to the client, wherein the incremental update includes only the modules of code that need to be updated (column 10, lines 25-67: "upgrades to the client software are done automatically by the server...generates an incremental update...transmits the incremental update to the client....modules...are out-of-date, missing, or obsolete and then selectively pushes the correct modules")(Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention for the software updating of the modified DaCosta to have included only updating the defunct software modules as taught in Bogrett, because Bogrett taught that by only updating the defunct software modules in an incremental update the client

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gained the benefit of executing quickly and always being up-to-date and the system gained the benefit of minimizing network traffic (column 10, line 65-column 11, line 2: “never have to manually update...executes quickly and is always up-to-date...network traffic is minimized”).

-In regard to dependent claim 19, DaCosta teaches wherein the data-packet network could be the Internet (column 2, line 13: “Internet”) and wherein the electronic information page was a web page (column 2, line 13: “web site”) hosted on the network.

-In regard to dependent claim 20, DaCosta teaches wherein the navigation routine was performed according to a test navigation template (column 6, lines 9-13 & 35-41; column 18, lines 54-65)(Fig. 2: i.e. according to the navigation and extraction scripts).

-In regard to dependent claim 21, DaCosta teaches wherein the navigation routine was performed according to a client navigation template (Fig. 7: “User”).

-In regard to dependent claim 22, the modified DaCosta teaches wherein the recorded instance of the failed routine was created in the form of a data file and stored in a data repository accessible through a network (column 18, lines 54-67).

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-In regard to dependent claim 23, DaCosta teaches wherein the recorded instance of the failed navigation routine was accessed by a software developer (column 6, lines 9-13 & 35-41; column 18, lines 54-67).

-In regard to dependent claim 24, DaCosta teaches wherein navigation was performed by the developer utilizing an instance of a browser installed on a computerized workstation (column 2, lines 11-30: “browser”).

-In regard to dependent claim 25, the modified DaCosta teaches wherein the new logic was in the form of a modular logic block installable to a navigation template (column 6, lines 9-13 & 35-41; column 7, lines 18-54: “programmatically modify the recorded path”; column 18, lines 54-67).

-In regard to dependent claim 26, the modified DaCosta teaches wherein the new logic block self-installs to a depended navigation template (column 6, lines 9-13 & 35-41; column 18, lines 42-67: “ensure each of the users has a corrected script as soon as possible, i.e., as soon as it is downloaded to the central repository...running the script”).

-In regard to dependent claim 27, the modified DaCosta teaches testing the new logic before the implementation (column 19, lines 1-15: “determine whether it is operating correctly”).

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-In regard to dependent claim 28, the modified DaCosta teaches creating more than one logic block within a navigation template (column 2, lines 11-35: “scripts...locates and extracts data” & 55-65: “specify and store a procedure”; column 3, lines 1-51: “structure...within the web page...recording a sequence of actions”; column 5, lines 36-55: “store navigation paths”; column 6, lines 51-67: “records navigation paths and associated steps”; column 7, lines 15-55: “navigation recording module captures each user generated event”; column 8, lines 19-21) and wherein more than one block could fail (column 6, lines 9-13 & 35-41; column 18, lines 34-67; column 19, lines 1-15).

Response to Arguments

7. Applicant's arguments with respect to independent claim 18 have been considered but are moot in view of the new ground(s) of rejection. As shown above in the rejection, the Examiner notes that the newly cited/applied Bogrett reference has been relied upon to teach the well known technique of automatically installing software modules.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Please note the additionally cited prior art references listed on the accompanying PTO-892 form.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Basehoar whose telephone number is (571)-272-4121.

The examiner can normally be reached on M-F: 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Adam L Basehoar/
Primary Examiner, Art Unit 2178